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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
10

11 MELANIE MacNIVEN,

2:04-cv-2401-GEB-CMK

12 Plaintiff,

13 vs.

ORDER

14 JO ANNE B. BARNHART,
15 Commissioner of Social Security,

16 Defendant.
17 _____/

18 Plaintiff, who is proceeding with retained counsel,
19 brings this action for judicial review of a final decision of the
20 Commissioner of Social Security pursuant to 42 U.S.C. § 405(g).
21 The matter was referred to a United States Magistrate Judge
22 pursuant to Local Rule 72-302(c)(21).

23 On November 3, 2005, the magistrate judge filed
24 findings and recommendations herein which were served on
25 plaintiff and which contained notice to plaintiff that any
26 objections to the findings and recommendations were to be filed

1 within ten days. Plaintiff has not objected to the findings and
2 recommendations.¹

3 The court has reviewed the file and finds the findings
4 and recommendations to be supported by the record and by the
5 magistrate judge's analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The findings and recommendations filed November 3,
8 2005, are adopted in full;

9 2. This case is remanded pursuant to sentence four of
10 42 U.S.C. § 405(g);

11 3. Such remand shall proceed consistent with the
12 parties' stipulation;

13 4. All pending motions are denied as moot; and

14 5. The Clerk of the Court is directed to enter
15 judgment and close this file.

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17 DATED: December 6, 2005

18 /s/ Garland E. Burrell, Jr.
19 GARLAND E. BURRELL, JR.
20 United States District Judge
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25 ¹ Plaintiff filed objections on November 14, 2005, but
26 withdrew them on November 18, 2005.